



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOP/169431

PRELIMINARY RECITALS

Pursuant to a petition filed October 15, 2015, under Wis. Admin. Code §HA 3.03, to review a decision by the Public Assistance Collection Unit in regard to FoodShare benefits (FS), a hearing was held on November 11, 2015, by telephone.

The issue for determination has been resolved.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Petitioner's Representative:

Attorney [REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: [REDACTED] OIG
Public Assistance Collection Unit
PO Box 8938
Madison, WI 53708-8938

ADMINISTRATIVE LAW JUDGE:

Nancy J. Gagnon
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) was formerly a resident of Wisconsin.
2. On September 18, 2015, the Department mailed a *Foodshare Overpayment Notice* to the petitioner, advising that she had been overpaid FS benefits of \$816.37. The overpayment period was October 18, 2013 through March 31, 2014. The petitioner appealed.

3. At hearing, the Department agreed to cancel the overpayment claim for this period, due to an evidentiary problem. Post-hearing, this Judge received documentation showing that the claim has been canceled; the petitioner has no overpayment liability for the period.

DISCUSSION

At hearing, the Department agreed to cancel the overpayment claim (# [REDACTED]) for this period, due to an evidentiary problem. The petitioner did not object to the Department's decision to cancel the overpayment claim. Post-hearing, this Judge received documentation showing that the claim has been canceled; the petitioner has no overpayment liability for the period.

CONCLUSIONS OF LAW

1. The Department did not establish that the petitioner was overpaid FS for the October 18, 2013 through March 31, 2014, period.
2. The Department shall not collect on claim # [REDACTED].
3. The Department has canceled claim # [REDACTED].

THEREFORE, it is

ORDERED

That the petition is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

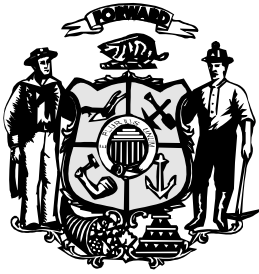
APPEAL TO COURT

You may also appeal this decision to Circuit Court in the Wisconsin county where you live/d. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 24th day of November, 2015

\sNancy J. Gagnon
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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Madison, WI 53705-5400

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The preceding decision was sent to the following parties on November 24, 2015.

Public Assistance Collection Unit
Public Assistance Collection Unit
Division of Health Care Access and Accountability
Attorney [REDACTED]